5-638536
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MAERSK LINE,

Plaintiff,

against -

AFRICAN CENTRAL MARKET, and JOHN WILLIAMS,

Defendant.



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS, in personam, in a cause of action civil and maritime, alleges upon information and belief:

- This is an admirally and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Clause 14.4 of plaintiff's Bill of Lading.
- At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
- Upon information and belief and at all times hereinafter mentioned, defendants had and now have the legal status and place of business as set forth in Schedule A.
- 4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendants pursuant to plaintiff's published tariff, all as set forth in Schedule A.
- Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

- Plaintiff has performed all duties and obligations required to be performed by plaintiff.
- Defendants have failed and refused and continue to fail and refuse to remit payment of \$4,100.00, although duly demanded.
- By reason of the foregoing, plaintiff has sustained damages in the amount of \$4,100.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
- That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters afcresaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York April 11, 2007

> LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By

Albert J. Avallone - AA1679

Attorneys for Plaintiff MAERSK LINE

551 Fifth Avenue, Suite 1625

New York, NY 10176

(212) 696-1760

SCHEDULE A

- I. Defendant's status & address:
- A. Upon information and belief and at all times hereinafter mentioned, defendant AFRIÇAN CENTRAL MARKET was and still is a company organized and existing under the laws of the State of Massachusetts, with offices and a place of business at 65 Fletcher St., Lowell, MA 01854.
- B. Upon information and belief and at all times hereinafter mentioned, defendant JOHN WILLIAMS was and still is a natural person and resident of the State of Massachusetts, residing c/o African Central Market, 65 Fletcher St., Lowell, MA 01854.
- II. Details of shipment(s):
- 1. Bill of Lading No. MAEU511196257, dated October 18, 2006, from Apapa to Newark <u>via</u> Algerias on the Vessel TINGLEU MAERSK, one (1) twenty-foot container SAID TO CONTAIN: PACKAGES OF FOOD, at the applicable tariff charge of \$5,299.00 (Exhibit A). Defendants' check numbers 5001 for \$4,000.000, and 103 for \$1,500.00 were dishonored by the bank due to Insufficient Funds (Exhibits B and C).

Amount Pald: \$1,199.00 Amount Due: \$4,100.00

III. <u>Total Amount Due: \$4,100.00</u>

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MAERSK INC.



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EXHIBIT "C"